# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS

BORIS BRYANT, DARREN MAYO, EDWARD PIERRE, LAWRENCE GRICE, KEVIN MCINTYRE, MAURICE GALIMORE, JAMES BROWN, CARLOS BEATTY, MARCUS PAREJO, LAMAR NEWTON, JOHN LUCAS, CARLTON SYKES,

Plaintiffs,

v.

FMC TECHNOLOGIES, INC., PROSTAFF PERSONNEL ACQUISITION CORP.,

Defendants.

Case No. 04:08-CV-03744

#### PLAINTIFF'S PROPOSED SPECIAL VERDICT

The Plaintiffs submits the following proposed Special Verdict as required by the Court's procedures.

Respectfully submitted,	
/S/Angela Alioto	Date: October 4, 2010
Angela Alioto Attorney in Charge for Plaintiffs	2010 Second 1, 2010

#### Bryant et al. v. FMC Technologies et al

#### SPECIAL VERDICT FORM: PLAINTIFF BORIS BRYANT

# **Racial Harassment by Defendant FMC**

Questi	on No. 1	
	Was Plaintif	f subjected to a hostile or abusive work environment because of his race?
	Yes	No
	If you answe	ered "Yes" to Question No. 1, then answer the following Question:
Questi	on No. 2	
		estile or abusive work environment created or permitted by a supervisor with or successively higher authority over plaintiff?
	Yes	No
	If you answe	red "Yes" to Questions No. 1 and 2, then answer the following Question:
Questi	on No. 3	
	Did Plaintiff environmen	suffered damages as a proximate or legal result of such hostile or abusive work
	Yes	No
	If you answe	red "Yes" to Questions No. 1, 2, and 3 then answer the following Question:
Questi	on No. 4	
	A. Did Defen harassing be	dant exercise reasonable care to prevent and promptly correct any racially havior?
	Yes	No
		ff unreasonably fail to take advantage of any preventive or corrective opportunities Defendant, or to avoid harm otherwise?
	Yes	No
	If you answe	red "No" both parts of question No.4, continue to question No. 5

Question No. 5
Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial.
YesNo
If your answer is yes, in what amount?
\$
Question No. 6
Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
YesNo
If your answer is yes, in what amount?
\$
Question No. 7
A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?
YesNo
B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
YesNo
C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
\$

SO SAY WE ALL. Please continue to the next section.

# Race Discrimination: Title VII by Defendant FMC

Question No. 1
Was Plaintiff denied a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?
YesNo
Question No. 2
Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?
YesNo
[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]
Question No. 3
Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
YesNo
If your answer is yes, in what amount?
\$
Question No. 4
Should the Plaintiff should be awarded damages to compensate for a net loss of wages and benefits in the future?
YesNo
If your answer is yes, in what amount?
\$
Question No. 5
Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
Yes No

If your answer is yes, in what amount?		
	\$	
Quest	tion No. 6	
	A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?	
	YesNo	
	B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?	
	YesNo	
	C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?	
	\$	
SO SA	Y WE ALL. Please continue to the next section	
Racial	Discrimination: 42 U.S.C. Section 1981 by Defendant FMC	
Quest	ion No. 1	
	Was Plaintiff denied a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?	
	YesNo	
Quest	ion No. 2	
	Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?	
	YesNo	

	Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
	YesNo
	If your answer is Yes, in what amount?
	\$
Questic	n No. 4
	Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
	YesNo
	If your answer is Yes, in what amount?
	\$
Questic	n No. 5
	A. Did a higher management official of the Defendants act with malice or reckless
	indifference to the Plaintiff's federally protected rights?
	YesNo
	B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
	YesNo
	C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
	\$

SO SAY WE ALL. Please continue to the next section

Question No. 3

# Race Discrimination: Texas Labor Code Section 21.051 by Defendant FMC

Ques	tion No. 1	
	Was Plair Defendar	ntiff denied a promotional opportunity or training, or was Plaintiff disciplined by the nt?
	Yes	No
Ques	tion No. 2	
	Was the I	Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take $on$ ?
	Yes	No
	[If you an	swered No to either Question 1 or 2 you need not answer the remaining question in on]
Ques	tion No. 3	
	Should th	e Plaintiff be awarded damages to compensate for a net loss of wages and benefits to of trial?
	Yes	No
	If your an	swer is yes, in what amount?
	\$	
Ques	tion No. 4	
		e Plaintiff should be awarded damages to compensate for a net loss of wages and n the future?
	Yes	No
	If your an	swer is yes, in what amount?
	\$	·
Ques	tion No. 5	
	Should th anguish?	e Plaintiff be awarded damages to compensate for emotional pain and mental
	Voc	No

lf y	our answer is yes, in what amount?
\$	
Question N	o. 6
A.	Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?
Yes	No
В.	If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
Yes	No
C.	If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
\$	
SO SAY WE	ALL.
Please stop	here and continue on to the next Plaintiff.

# Bryant et al. v. FMC Technologies et al

#### SPECIAL VERDICT FORM: PLAINTIFF CARLTON SYKES

# **Racial Harassment by Defendant FMC**

Question No. 1
Was Plaintiff subjected to a hostile or abusive work environment because of his race?
YesNo
If you answered "Yes" to Question No. 1, then answer the following Question:
Question No. 2
Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?
YesNo
If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:
Question No. 3
Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?
YesNo
If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:
Question No. 4
A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?
YesNo
B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunities provided by Defendant, or to avoid harm otherwise?
YesNo
If you answered "No" both parts of question No.4, continue to question No. 5

Question No. 5
Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
YesNo
If your answer is yes, in what amount?
\$
Question No. 6
Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
YesNo
If your answer is yes, in what amount?
\$
Question No. 7
A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?
YesNo
B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
YesNo
C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
\$
SO SAY WE ALL. Please continue to the next section.

# Race Discrimination: Title VII by Defendant FMC

Que	stion No. 1	
		iff denied employment, a promotional opportunity or training, or was Plaintiff by the Defendant?
	Yes	No
Que	stion No. 2	
	Was the Plant action	aintiff's race a substantial or motivating factor that prompted Defendant FMC to take? ?
	Yes	No
	[If you ansy this section	wered No to either Question 1 or 2 you need not answer the remaining question in
Que	stion No. 3	
	Should the the date of	Plaintiff be awarded damages to compensate for a net loss of wages and benefits to trial?
	Yes	No
	If your ansv	wer is yes, in what amount?
	\$	······································
Ques	stion No. 4	
	Should the the future?	Plaintiff be awarded damages to compensate for a net loss of wages and benefits in
	Yes	No
	If your answ	ver is yes, in what amount?
	\$	
Ques	tion No. 5	
	Should the anguish?	Plaintiff be awarded damages to compensate for emotional pain and mental
	Vas	No

	If your answer is yes, in what amount?	
	\$	
Questic	n No. 6	
	A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?	
<ul> <li>Question No. 6</li> <li>A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?</li> <li>YesNo</li> <li>B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply the law by adopting and complying with policies designed to prohibit such harassmen workplace?</li> <li>YesNo</li> <li>C. If your answer is Yes, what amount of punitive damages, if any, should be assessed a the Defendant?</li> </ul>		
	the law by adopting and complying with policies designed to prohibit such harassment in the	e
	YesNo	
	your district is resp. that amount of partitive duringes, if any, should be assessed against	
	\$	

SO SAY WE ALL. Please continue to the next section

# Racial Discrimination: 42 U.S.C. Section 1981 by Defendant FMC

Quest	on No. 1	
		ff denied employment, a promotional opportunity or training, or was Plaintiff by the Defendant?
	Yes	No
Quest	on No. 2	
	Was the Pla	nintiff's race a substantial or motivating factor that prompted the Defendant to take
	Yes	No
Questi	on No. 3	
	Should the the date of	Plaintiff be awarded damages to compensate for a net loss of wages and benefits to trial?
	Yes	No
	If your answ	ver is Yes, in what amount?
	\$	
Questi	on No. 4	
	Should the I anguish?	Plaintiff be awarded damages to compensate for emotional pain and mental
	Yes	No
	If your answ	ver is Yes, in what amount?
	\$	
Questi	on No. 5	
	A. Did a hig	gher management official of the Defendants act with malice or reckless
	indiffer	ence to the Plaintiff's federally protected rights?
	Yes	No

	B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
	YesNo
	C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
	\$
SO SAY \	WE ALL. Please continue to the next section
Race Dis	scrimination: Texas Labor Code Section 21.051 by Defendant FMC
Question	n No. 1
	Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?
,	YesNo
Question	n No. 2
	Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?
,	YesNo
	[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]
Question	n No. 3
	Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
Y	/esNo
ŀ	f your answer is yes, in what amount?

Question No. 4				
Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits i the future?				
YesNo				
If your answer is yes, in what amount?				
\$				
Question No. 5				
Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?				
YesNo				
If your answer is yes, in what amount?				
\$				
Question No. 6				
A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?				
YesNo				
B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in th workplace?				
YesNo				
C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?				
\$				

SO SAY WE ALL. Please continue on to the next section.

# **Racial Harassment by Defendant Prostaff**

Questi	on No. 1
	Was Plaintiff subjected to a hostile or abusive work environment because of his race?
	YesNo
	If you answered "Yes" to Question No. 1, then answer the following Question:
Questi	on No. 2
	Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?
	YesNo
	If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:
Questi	on No. 3
	Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?
	YesNo
	If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:
Questi	on No. 4
	A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?
	YesNo
	B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunitie provided by Defendant, or to avoid harm otherwise?
	YesNo
	If you answered "No" both parts of question No.4, continue to question No. 5
Questic	on No. 5
	Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
	Vos. No

	If your ar	iswer is yes, in wha	t amount?				
	\$						
Quest	ion No. 6						
	Should Pl	aintiff be awarded	damages to con	nnansata for ar	matianal nain ar	ad montal angui	ich?
				ilperisate for er	notional pain ai	ia mentai angu	ISH
	Yes	No					
	If your an	swer is yes, in wha	t amount?				
	\$						
Quest	ion No. 7						
		igher management iff's federally prote		Defendants act	with malice or re	eckless indiffer	ence to
	Yes	No					
		answer is Yes, did toopting and complyie?					th the
	Yes	No					
	C. If your the Defen	answer is Yes, what dant?	t amount of pun	nitive damages,	if any, should b	e assessed agai	inst
	\$						
SO SAY	/ WE ALL. P	lease continue to t	he next section.				
Race D	<u> iscriminati</u>	on: Title VII by Def	endant Prostaff	:			
Questi	on No. 1						
		tiff denied employr d by the Defendant		onal opportuni	ty or training, o	r was Plaintiff	
	Yes	No					

Questi	on No. 2
	Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?
	YesNo
	[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]
Questi	on No. 3
	Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
	YesNo
	If your answer is yes, in what amount?
	\$
Questi	on No. 4
	Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?
	YesNo
	If your answer is yes, in what amount?
	\$
Questic	on No. 5
	Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
	YesNo
	If your answer is yes, in what amount?

Question I	No. 6		
D.	D. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?		
Ye	sNo		
Ē.	If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?		
Ye	sNo		
F.	If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?		
\$_			
SO SAY WE	ALL. Please continue to the next section		
Racial Disc	rimination: 42 U.S.C. Section 1981 by Defendant Prostaff		
Do you find	from a preponderance of the evidence:		
Question N	lo. 1		
	as Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff ciplined by the Defendant?		
Ye	SNo		
Question N			
	is the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take t action?		
Yes	No		
Question N	o. 3		
	ould the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to date of trial?		
Yes	No		

If	your answer is Yes, in what amount?
\$_	
Question I	No. 4
	ould the Plaintiff be awarded damages to compensate for emotional pain and mental guish?
Ye	sNo
lf	your answer is Yes, in what amount?
\$_	
Question I	No. 5
D.	Did a higher management official of the Defendants act with malice or reckless
Vo	indifference to the Plaintiff's federally protected rights?
re	sNo
Ε.	If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
	YesNo
F.	If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
	\$

SO SAY WE ALL. Please continue to the next section

# Race Discrimination: Texas Labor Code Section 21.051 by Defendant Prostaff

Ques	tion No. 1	
		tiff denied employment, a promotional opportunity or training, or was Plaintiff by the Defendant?
	Yes	No
Ques	tion No. 2	
	Was the P that action	laintiff's race a substantial or motivating factor that prompted Defendant FMC to taken?
	Yes	No
	[If you ans	wered No to either Question 1 or 2 you need not answer the remaining question in n
Ques	tion No. 3	
	Should the	Plaintiff be awarded damages to compensate for a net loss of wages and benefits to f trial?
	Yes	No
	If your ans	wer is yes, in what amount?
	\$	
Quest	tion No. 4	
	Should the the future?	Plaintiff be awarded damages to compensate for a net loss of wages and benefits in
	Yes	No
	If your ans	wer is yes, in what amount?
	\$	
Quest	tion No. 5	
	Should the anguish?	Plaintiff be awarded damages to compensate for emotional pain and mental
	Yes	No

	If your answer is yes, in what amount?		
	\$		
Questic	on No. 6		
	D. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?		
	YesNo		
	E. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?		
	YesNo		
	F. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?		
	\$		

SO SAY WE ALL. Please continue on to the next Plaintiff.

#### Bryant et al. v. FMC Technologies et al

# SPECIAL VERDICT FORM: PLAINTIFF MARCUS PAREJO

#### **Racial Harassment by Defendant FMC**

Question	n No. 1
,	Was Plaintiff subjected to a hostile or abusive work environment because of his race?
,	YesNo
ı	If you answered "Yes" to Question No. 1, then answer the following Question:
Question	n No. 2
	Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?
•	YesNo
ı	If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:
Questior	n No. 3
	Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?
١	YesNo
I	If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:
Questior	n No. 4
	A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?
١	YesNo
	B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunities provided by Defendant, or to avoid harm otherwise?
١	YesNo
1	f you answered "No" both parts of question No.4, continue to question No. 5

Question No. 5
Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
YesNo
If your answer is yes, in what amount?
\$ ·
Question No. 6
Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
YesNo
If your answer is yes, in what amount?
\$
Question No. 7
A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?
YesNo
B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting policies and procedures designed to prohibit such harassment in the workplace?
YesNo
C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
\$
SO SAY WE ALL. Please continue to the next section.

# Race Discrimination: Title VII by Defendant FMC

Quest	ion No. 1	
		denied employment, a promotional opportunity or training, or was Plaintiff the Defendant?
	Yes	No
Quest	ion No. 2	
	Was the Plair that action?	ntiff's race a substantial or motivating factor that prompted Defendant FMC to take
	Yes	No
	[If you answe this section]	red No to either Question 1 or 2 you need not answer the remaining question in
Questi	ion No. 3	
	Should the Pl	aintiff be awarded damages to compensate for a net loss of wages and benefits to ial?
	Yes	No
٠	If your answe	r is yes, in what amount?
	\$	
Questi	on No. 4	
	Should the Plathe future?	aintiff be awarded damages to compensate for a net loss of wages and benefits in
	Yes	No
	If your answe	r is yes, in what amount?
	\$	
Questi	on No. 5	
	Should the Planguish?	aintiff be awarded damages to compensate for emotional pain and mental
	Yes	No

It your	answer is yes, in what amount?
\$	
Question No. (	
(destion No. (	
	a higher management official of the Defendants act with malice or reckless ifference to the Plaintiff's federally protected rights?
Yes	No
th	our answer is Yes, did the Defendant fail to act in a good faith attempt to comply with law by adopting and complying with policies designed to prohibit such harassment in the rkplace?
Yes	No
	our answer is Yes, what amount of punitive damages, if any, should be assessed against Defendant?
\$	
) SAY WE AL	. Please continue to the next section
ational Origi	Discrimination: Title VII by Defendant FMC
uestion No. 1	
	aintiff denied employment, a promotional opportunity or training, or was Plaintiff ned by the Defendant?
Yes	No
uestion No. 2	
Was tł	e Plaintiff's national origin a substantial or motivating factor that prompted Defendant
	take that action?
Yes	No
[If you	answered No to either Question 1 or 2 you need not answer the remaining question in

Question No. 3
Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
YesNo
If your answer is yes, in what amount?
\$
Question No. 4
Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?
YesNo
If your answer is yes, in what amount?
\$
Question No. 5
Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
YesNo
If your answer is yes, in what amount?
\$
Question No. 6
A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?
YesNo
B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
YesNo

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed again the Defendant?	nst
\$	
SO SAY WE ALL. Please continue to the next section	
Racial Discrimination: 42 U.S.C. Section 1981 by Defendant FMC	
Question No. 1	
Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?	
YesNo	
Question No. 2	
Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to ta that action?	ake
YesNo	
Question No. 3	
Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits the date of trial?	s to
YesNo	
If your answer is Yes, in what amount?	
\$	
Question No. 4	
Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?	
YesNo	
If your answer is Yes, in what amount?	
¢	

Question No. 5	
A. Did a higher management official of the Defendants act with malice or reckless	
indifference to the Plaintiff's federally protected rights?	
YesNo	
B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?	
YesNo	
C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?	
\$	
SO SAY WE ALL. Please continue to the next section	
Race Discrimination: Texas Labor Code Section 21.051 by Defendant FMC	
Question No. 1	
Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?	
YesNo	
Question No. 2	
Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?	
YesNo	
[If you answered No to either Question 1 or 2 you need not answer the remaining question in	

this section]

Questi	on No. 3		
		the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to e of trial?	)
	Yes	No	
	If your a	inswer is yes, in what amount?	
	\$		
Questi	on No. 4		
	Should t	the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in re?	
	Yes	No	
	If your a	nswer is yes, in what amount?	
	\$		
Questi	on No. 5		
	Should t	the Plaintiff awarded damages to compensate for emotional pain and mental anguish?	
	Yes	No	
	If your a	nswer is yes, in what amount?	
	\$		
Questi	on No. 6		
		a higher management official of the Defendants act with malice or reckless fference to the Plaintiff's federally protected rights?	
	Yes	No	
	the	our answer is Yes, did the Defendant fail to act in a good faith attempt to comply with law by adopting and complying with policies designed to prohibit such harassment in the kplace?	1e
	Yes	No	

C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
\$
SO SAY WE ALL. Please continue on to the next section.
Racial Harassment by Defendant Prostaff
Question No. 1
Was Plaintiff subjected to a hostile or abusive work environment because of his race?
YesNo
If you answered "Yes" to Question No. 1, then answer the following Question:
Question No. 2
Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?
YesNo
If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:
Question No. 3
Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?
YesNo
If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:
Question No. 4
A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?
YesNo

	B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunities provided by Defendant, or to avoid harm otherwise?	es.
	YesNo	
	If you answered "No" both parts of question No.4, continue to question No. 5	
Quest	on No. 5	
	Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?	9
	YesNo	
	If your answer is yes, in what amount?	
	\$	
Quest	n No. 6	
	Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?	
	YesNo	
	If your answer is yes, in what amount?	
	\$	
Quest	n No. 7	
	A. Did a higher management official of the Defendants act with malice or reckless indifference the Plaintiff's federally protected rights?	tc
	YesNo	
	B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with th law by adopting and complying with policies designed to prohibit such harassment in the workplace?	е
	YesNo	
	C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?	
	\$	
	SO SAY WE ALL. Please continue to the next section.	

# Race Discrimination: Title VII by Defendant Prostaff

Questic	on No. 1
	Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?
	YesNo
Questic	on No. 2
	Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?
	YesNo
	[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]
Questic	on No. 3
	Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
	YesNo
	If your answer is yes, in what amount?
	\$
Questio	n No. 4
	Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?
	YesNo
	If your answer is yes, in what amount?
	ć

Questi	on No. 5
	Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
	YesNo
	If your answer is yes, in what amount?
	\$
Questi	on No. 6
	D. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?
	YesNo
	E. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
	YesNo
	F. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
	\$
SO SAY	WE ALL. Please continue to the next section
<u>Nation</u>	al Origin Discrimination: Title VII by Defendant Prostaff
Questi	on No. 1
	Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?
	Yes No

Questi	on No. 2
	Was the Plaintiff's national origin a substantial or motivating factor that prompted Defendant FMC to take that action?
	YesNo
	[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]
Questi	on No. 3
	Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
	YesNo
	If your answer is yes, in what amount?
	\$
Questio	on No. 4  Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?
	YesNo
	If your answer is yes, in what amount?
	\$
Questic	on No. 5
	Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
	YesNo
	If your answer is yes, in what amount?

	A.	Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?
	Yes	No
	В.	If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
	Yes	No
	C.	If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
	\$	
SO SAY	'WE	ALL. Please continue to the next section
Pacial	Dico	imination: 42 U.S.C. Section 1981 by Defendant Prostaff
Naciai	DISCI	mination: 42 0.3.C. Section 1981 by Defendant Prostain
Questi	on N	o. 1
		s Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff ciplined by the Defendant?
	Yes	No
Questi	on N	o. 2
		s the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take t action?
	Yes	No
Questi	on N	o. 3
		ould the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to date of trial?
	Yes	No

If	our answer is Yes, in what amount?
\$_	· · · · · · · · · · · · · · · · · · ·
Question N	No. 4
	ould the Plaintiff be awarded damages to compensate for emotional pain and mental guish?
Ye	sNo
Ify	our answer is Yes, in what amount?
\$_	
Question N	lo. 5
D.	Did a higher management official of the Defendants act with malice or reckless
	indifference to the Plaintiff's federally protected rights?
Ye	sNo
E.	If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
	YesNo
F.	If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
	\$

SO SAY WE ALL. Please continue to the next section

## Race Discrimination: Texas Labor Code Section 21.051 by Defendant Prostaff

Ques	tion No. 1	
		ciff denied employment, a promotional opportunity or training, or was Plaintiff I by the Defendant?
	Yes	No
Ques	tion No. 2	
	Was the P that action	laintiff's race a substantial or motivating factor that prompted Defendant FMC to taken?
	Yes	No
	[If you ans this sectio	wered No to either Question 1 or 2 you need not answer the remaining question in n
Ques	tion No. 3	
	Should the	e Plaintiff be awarded damages to compensate for a net loss of wages and benefits to f trial?
	Yes	No
	If your ans	wer is yes, in what amount?
	\$	
Ques	tion No. 4	
	Should the	Plaintiff be awarded damages to compensate for a net loss of wages and benefits in?
	Yes	No
	If your ans	wer is yes, in what amount?
	\$	
Ques	tion No. 5	
	Should the anguish?	Plaintiff be awarded damages to compensate for emotional pain and mental
	Voc	No

	It y	our answer is yes, in what amount?
	\$	
Questi	on N	o. 6
	D.	Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?
	Yes	sNo
	Ε.	If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
	Yes	No
	F.	If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
	\$_	

SO SAY WE ALL. Please continue on to the next Plaintiff.

#### Bryant et al. v. FMC Technologies et al

#### SPECIAL VERDICT FORM: PLAINTIFF KEVIN MCINTYRE

## **Racial Harassment by Defendant FMC**

Questic	on No. 1	
	Was Plaintiff	subjected to a hostile or abusive work environment because of his race?
	Yes	_No
	If you answer	ed "Yes" to Question No. 1, then answer the following Question:
Questic	on No. 2	
		tile or abusive work environment created or permitted by a supervisor with successively higher authority over plaintiff?
	Yes	_No
	If you answer	ed "Yes" to Questions No. 1 and 2, then answer the following Question:
Questic	on No. 3	
	Did Plaintiff s environment	uffered damages as a proximate or legal result of such hostile or abusive work
	Yes	_No
	If you answer	ed "Yes" to Questions No. 1, 2, and 3 then answer the following Question:
Questic	on No. 4	
	A. Did Defend harassing beh	ant exercise reasonable care to prevent and promptly correct any racially avior?
	Yes	No
		f unreasonably fail to take advantage of any preventive or corrective opportunities befendant, or to avoid harm otherwise?
	Yes	_No
	If you answer	ed "No" both parts of guestion No.4, continue to guestion No. 5

Shor	uld Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the
	of trial?
Yes .	No
if yo	ur answer is yes, in what amount?
\$	
Question No	v. 6
Shou	ald Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
Yes	No
If yo	ur answer is yes, in what amount?
\$	
Question No	. 7
	id a higher management official of the Defendants act with malice or reckless indifference to Plaintiff's federally protected rights?
Yes _	No
law i	your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the by adopting and complying with policies designed to prohibit such harassment in the kplace?
Yes _	No
	your answer is Yes, what amount of punitive damages, if any, should be assessed against Defendant?
\$_	
	ALL. Please continue to the next section.

## Racial Discrimination: 42 U.S.C. Section 1981 by Defendant FMC

Question No. 1
Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?
YesNo
Question No. 2
Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?
YesNo
Question No. 3
Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits the date of trial?
YesNo
If your answer is Yes, in what amount?
\$
Question No. 4
Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
YesNo
If your answer is Yes, in what amount?
\$
Question No. 5
A. Did a higher management official of the Defendants act with malice or reckless
indifference to the Plaintiff's federally protected rights?
Yes No

В.	If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
	YesNo
C.	If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?  \$
SO SAY WE	ALL. Please continue to the next section
Racial Hara	ssment by Defendant Prostaff
Question N	o. 1
Wa	s Plaintiff subjected to a hostile or abusive work environment because of his race?
Yes	SNo
If y	ou answered "Yes" to Question No. 1, then answer the following Question:
Question N	o. 2
	is such hostile or abusive work environment created or permitted by a supervisor with mediate or successively higher authority over plaintiff?
Yes	sNo
lf y	ou answered "Yes" to Questions No. 1 and 2, then answer the following Question:
Question N	o. 3
	Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work vironment?
Yes	SNo
If v	ou answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:

	A. Did Defen	idant exercise reasonable care to prevent and promptly correct any racially havior?
	Yes	No
		iff unreasonably fail to take advantage of any preventive or corrective opportunities Defendant, or to avoid harm otherwise?
	Yes	No
	If you answe	ered "No" both parts of question No.4, continue to question No. 5
Quest	ion No. 5	
	Should Plain date of trial?	tiff be awarded damages to compensate for a net loss of wages and benefits to the
	Yes	No
	If your answ	er is yes, in what amount?
	\$	
Quest	ion No. 6	
	Should Plain	tiff be awarded damages to compensate for emotional pain and mental anguish?
	Yes	No
	If your answe	er is yes, in what amount?
	\$	<del></del>
Questi	ion No. 7	
		er management official of the Defendants act with malice or reckless indifference to s federally protected rights?
	Yes	No

		wer is Yes, did the Defendant fail to act in a good faith attempt to comply with the ing and complying with policies designed to prohibit such harassment in the
	Yes	No
	C. If your and	wer is Yes, what amount of punitive damages, if any, should be assessed against nt?
	\$	
SO SAY	WE ALL. Plea	se continue to the next section.
<u>Racial</u>	Discrimination	n: 42 U.S.C. Section 1981 by Defendant Prostaff
Questi	on No. 1	
		denied employment, a promotional opportunity or training, or was Plaintiff y the Defendant?
	Yes	No
Questi	on No. 2	
	Was the Plain that action?	ntiff's race a substantial or motivating factor that prompted the Defendant to take
	Yes	No
Questi	on No. 3	
	Should the Pl	aintiff be awarded damages to compensate for a net loss of wages and benefits to ial?
	Yes	No
	If your answe	er is Yes, in what amount?

Quest	ion l	No. 4
		ould the Plaintiff be awarded damages to compensate for emotional pain and mental guish?
	Ye	sNo
	lf	our answer is Yes, in what amount?
	\$_	
Quest	ion 1	lo. 5
	D.	Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?
	Ye	sNo
	Ε.	If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
		YesNo
	F.	If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
		\$

SO SAY WE ALL. Please continue to the next Plaintiff

#### Bryant et al. v. FMC Technologies et al

#### SPECIAL VERDICT FORM: PLAINTIFF LAWRENCE GRICE

## **Racial Harassment by Defendant FMC**

	$\cdot$
Questi	ion No. 1
	Was Plaintiff subjected to a hostile or abusive work environment because of his race?
	YesNo
	If you answered "Yes" to Question No. 1, then answer the following Question:
Questi	on No. 2
	Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?
	YesNo
	If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:
Questi	ion No. 3
	Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?
	YesNo
	If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:
Questi	on No. 4
	A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?
	YesNo
	B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunities provided by Defendant, or to avoid harm otherwise?
	YesNo
	If you answered "No" both parts of question No. 4, continue to question No. 5

Question No. 5
Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
YesNo
If your answer is yes, in what amount?
\$
Question No. 6
Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
YesNo
If your answer is yes, in what amount?
\$
Question No. 7
A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?
YesNo
B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
YesNo
C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
\$
SO SAY WE ALL. Please continue to the next section.

## Race Discrimination: Title VII by Defendant FMC

Ques	stion No. 1	
	Was Plaint Defendant	iff denied a promotional opportunity or training, or was Plaintiff disciplined by the ?
	Yes	No
Ques	stion No. 2	·
	Was the Pl that action	aintiff's race a substantial or motivating factor that prompted Defendant FMC to take
	Yes	No
	[If you ans this section	wered No to either Question 1 or 2 you need not answer the remaining question in
Ques	stion No. 3	
	Should the	Plaintiff be awarded damages to compensate for a net loss of wages and benefits to f trial?
	Yes	No
	If your ans	wer is yes, in what amount?
	\$	
Ques	tion No. 4	
	Should the	Plaintiff be awarded damages to compensate for a net loss of wages and benefits in
	Yes	No
	If your ans	wer is yes, in what amount?
	\$	
Ques	tion No. 5	
	Should the anguish?	Plaintiff be awarded damages to compensate for emotional pain and mental
	Voc	No

If your answer is yes, in what amount?
\$
Question No. 6
A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?
YesNo
B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
YesNo
C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
\$
SO SAY WE ALL. Please continue to the next section
Racial Discrimination: 42 U.S.C. Section 1981 by Defendant FMC
Do you find from a preponderance of the evidence:
Question No. 1
Was Plaintiff denied a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?
YesNo
Question No. 2
Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?
Yes No

	Sh	ould the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to
	th	e date of trial?
	Ye	sNo
	ify	our answer is Yes, in what amount?
	\$_	
Ques	tion N	lo. 4
		ould the Plaintiff be awarded damages to compensate for emotional pain and mental guish?
	Ye	sNo
	lf y	our answer is Yes, in what amount?
	\$_	
Quest	ion N	lo. 5
	Α.	Did a higher management official of the Defendants act with malice or reckless
		indifference to the Plaintiff's federally protected rights?
	Ye	SNo
	В.	If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
		YesNo
	C.	If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
		\$

SO SAY WE ALL. Please continue to the next section

## Race Discrimination: Texas Labor Code Section 21.051 by Defendant FMC

Questio	n No. 1
	Was Plaintiff denied a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?
	YesNo
Questio	n No. 2
	Was the Plaintiff's race a substantial or motivating factor that prompted Defendant FMC to take that action?
	YesNo
	[If you answered No to either Question 1 or 2 you need not answer the remaining question in this section]
Questio	n No. 3
	Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
	YesNo
	If your answer is yes, in what amount?
	\$
Questio	n No. 4
	Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits in the future?
	YesNo
	If your answer is yes, in what amount?
	\$
Questio	
	Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
,	Yes No

If your answer is yes, in what amount?
\$
Question No. 6
A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?
YesNo
B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
YesNo
C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
\$
SO SAY WE ALL.
Please stop here and continue on to the next Plaintiff.

#### Bryant et al. v. FMC Technologies et al

#### SPECIAL VERDICT FORM: PLAINTIFF LAMAR NEWTON

## **Racial Harassment by Defendant FMC**

Quest	ion No. 1	
	Was Plaint	iff subjected to a hostile or abusive work environment because of his race?
	Yes	No
	If you ansv	vered "Yes" to Question No. 1, then answer the following Question:
Quest	ion No. 2	
		nostile or abusive work environment created or permitted by a supervisor with or successively higher authority over plaintiff?
	Yes	No
	If you ansv	vered "Yes" to Questions No. 1 and 2, then answer the following Question:
Quest	ion No. 3	
	Did Plaintif environme	f suffered damages as a proximate or legal result of such hostile or abusive work nt?
	Yes	No
	If you answ	vered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:
Quest	ion No. 4	
	A. Did Defe	endant exercise reasonable care to prevent and promptly correct any racially behavior?
	Yes	No
		ntiff unreasonably fail to take advantage of any preventive or corrective opportunities y Defendant, or to avoid harm otherwise?
	Yes	No
	If you answ	vered "No" both parts of question No.4, continue to question No. 5

Question No. 5	
Should Plaint date of trial?	iff be awarded damages to compensate for a net loss of wages and benefits to the
Yes	No
If your answe	er is yes, in what amount?
\$	
Question No. 6	
Should Plaint	iff be awarded damages to compensate for emotional pain and mental anguish?
Yes	No
If your answe	er is yes, in what amount?
\$	<del></del>
Question No. 7	
	er management official of the Defendants act with malice or reckless indifference to federally protected rights?
Yes	No
	wer is Yes, did the Defendant fail to act in a good faith attempt to comply with the ing and complying with policies designed to prohibit such harassment in the
Yes	No
C. If your ans	wer is Yes, what amount of punitive damages, if any, should be assessed against at?
\$	

SO SAY WE ALL. Please continue to the next section.

2

## Race Discrimination: Title VII by Defendant FMC

Questi	on No. 1	
	Was Plaintiff Defendant?	denied a promotional opportunity or training, or was Plaintiff disciplined by the
	Yes	No
Questi	on No. 2	
	Was the Plair that action?	ntiff's race a substantial or motivating factor that prompted Defendant FMC to take
	Yes	No
	[If you answe this section]	ered No to either Question 1 or 2 you need not answer the remaining question in
Questi	on No. 3	
	Should the Pl	aintiff be awarded damages to compensate for a net loss of wages and benefits to
	Yes	No
	If your answe	er is yes, in what amount?
	\$	<del> </del>
Questi	on No. 4	
	Should the Plate the future?	aintiff be awarded damages to compensate for a net loss of wages and benefits in
	Yes	No
	If your answe	r is yes, in what amount?
	\$	
Questi	on No. 5	
	Should the Planguish?	aintiff be awarded damages to compensate for emotional pain and mental
	Yes	No

If your answer is yes, in what amount?	
\$	
Question No. 6	
A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?	
YesNo	
B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in to workplace?	ìе
YesNo	
C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?	
\$	
SO SAY WE ALL. Please continue to the next section	
Racial Discrimination: 42 U.S.C. Section 1981 by Defendant FMC	
Question No. 1	
Was Plaintiff denied a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?	
YesNo	
Question No. 2	
Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?	
Yes No	

Question No. 3
Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
YesNo
If your answer is Yes, in what amount?
\$
Question No. 4
Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
YesNo
If your answer is Yes, in what amount?
\$
Question No. 5
A. Did a higher management official of the Defendants act with malice or reckless
indifference to the Plaintiff's federally protected rights?
YesNo
B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
YesNo
C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
\$

# Race Discrimination: Texas Labor Code Section 21.051 by Defendant FMC

Quest	ion No. 1	
	Was Plaintiff Defendant?	denied a promotional opportunity or training, or was Plaintiff disciplined by the
	Yes	No
Quest	on No. 2	
	Was the Plair that action?	ntiff's race a substantial or motivating factor that prompted Defendant FMC to take
	Yes	No
	[If you answe this section]	red No to either Question 1 or 2 you need not answer the remaining question in
Questi	on No. 3	
	Should the Plathe date of tri	aintiff be awarded damages to compensate for a net loss of wages and benefits to ial?
	Yes	_No
	If your answe	r is yes, in what amount?
	\$	
Questi	on No. 4	
	Should the Plathe future?	nintiff be awarded damages to compensate for a net loss of wages and benefits in
	Yes	_No
	If your answer	r is yes, in what amount?
	\$	
Questic	on No. 5	
	Should the Pla	intiff be awarded damages to compensate for emotional pain and mental
	Yes	No

If your answer is yes, in what amount?
\$
Question No. 6
A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?
YesNo
B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
YesNo
C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
\$
SO SAY WE ALL.
Please stop here and continue on to the next Plaintiff.

## Bryant et al. v. FMC Technologies et al

## SPECIAL VERDICT FORM: PLAINTIFF CARLOS BEATTY

## **Racial Harassment by Defendant FMC**

Question No. 1
Was Plaintiff subjected to a hostile or abusive work environment because of his race?
YesNo
If you answered "Yes" to Question No. 1, then answer the following Question:
Question No. 2
Was such hostile or abusive work environment created or permitted by a supervisor with immediate or successively higher authority over plaintiff?
YesNo
If you answered "Yes" to Questions No. 1 and 2, then answer the following Question:
Question No. 3
Did Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work environment?
YesNo
If you answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:
Question No. 4
A. Did Defendant exercise reasonable care to prevent and promptly correct any racially harassing behavior?
YesNo
B. Did Plaintiff unreasonably fail to take advantage of any preventive or corrective opportunition provided by Defendant, or to avoid harm otherwise?
YesNo
If you answered "No" both parts of question No.4, continue to question No. 5

Quest	ion No. 5
	Should Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
	YesNo
	If your answer is yes, in what amount?
	\$
Questi	on No. 6
	Should Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
	YesNo
	If your answer is yes, in what amount?
	\$
Questi	on No. 7
	A. Did a higher management official of the Defendants act with malice or reckless indifference to the Plaintiff's federally protected rights?
	YesNo
	B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
	YesNo
	C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
	\$
SO SAY	WE ALL. Please continue to the next section.

## Racial Discrimination: 42 U.S.C. Section 1981 by Defendant FMC

Question No. 1
Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?
YesNo
Question No. 2
Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?
YesNo
Question No. 3
Should the Plaintiff should be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
YesNo
If your answer is Yes, in what amount?
\$
Question No. 4
Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
YesNo
If your answer is Yes, in what amount?
\$
Question No. 5
A. Did a higher management official of the Defendants act with malice or reckless
indifference to the Plaintiff's federally protected rights?
YesNo

В.	B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in t workplace?		
	YesNo		
c.	If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?		
	\$		
SO SAY WE	ALL. Please continue to the next section		
Racial Hara	ssment by Defendant Prostaff		
Question N	o. 1		
Wa	s Plaintiff subjected to a hostile or abusive work environment because of his race?		
Yes	No		
If ye	ou answered "Yes" to Question No. 1, then answer the following Question:		
Question N	o. 2		
	s such hostile or abusive work environment created or permitted by a supervisor with nediate or successively higher authority over plaintiff?		
Yes	No		
If yo	ou answered "Yes" to Questions No. 1 and 2, then answer the following Question:		
Question No	o. 3		
	Plaintiff suffered damages as a proximate or legal result of such hostile or abusive work ironment?		
Yes	No		
If vo	ou answered "Yes" to Questions No. 1, 2, and 3 then answer the following Question:		

	A. Did Defer harassing be	idant exercise reasonable care to prevent and promptly correct any racially havior?
	Yes	No
		iff unreasonably fail to take advantage of any preventive or corrective opportunities Defendant, or to avoid harm otherwise?
	Yes	No
	If you answe	red "No" both parts of question No.4, continue to question No. 5
Questi	on No. 5	
	Should Plain date of trial?	tiff be awarded damages to compensate for a net loss of wages and benefits to the
	Yes	No
	If your answ	er is yes, in what amount?
	\$	
Questi	on No. 6	
	Should Plaint	ciff be awarded damages to compensate for emotional pain and mental anguish?
	Yes	No
	If your answe	er is yes, in what amount?
	\$	
Ouestic	on No. 7	
Questic		
		er management official of the Defendants act with malice or reckless indifference to federally protected rights?
	Yes	No

	B. If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the workplace?
	YesNo
	C. If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
	\$
SO SA	AY WE ALL. Please continue to the next section.
<u>Racia</u>	l Discrimination: 42 U.S.C. Section 1981 by Defendant Prostaff
Ques	tion No. 1
	Was Plaintiff denied employment, a promotional opportunity or training, or was Plaintiff disciplined by the Defendant?
	YesNo
Quest	tion No. 2
	Was the Plaintiff's race a substantial or motivating factor that prompted the Defendant to take that action?
	YesNo
Quest	cion No. 3
	Should the Plaintiff be awarded damages to compensate for a net loss of wages and benefits to the date of trial?
	YesNo
	If your answer is Yes, in what amount?
	\$
Quest	ion No. 4
	Should the Plaintiff be awarded damages to compensate for emotional pain and mental anguish?
	YesNo

If y	our answer is Yes, in what amount?
\$	
Question N	o. 5
D.	Did a higher management official of the Defendants act with malice or reckless
	indifference to the Plaintiff's federally protected rights?
Yes	No
E.	If your answer is Yes, did the Defendant fail to act in a good faith attempt to comply with the law by adopting and complying with policies designed to prohibit such harassment in the
	workplace?           YesNo
F.	If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant?
	\$

SO SAY WE ALL. Please continue to the next Plaintiff

## **CERTIFICATE OF SERVICE**

I certify that I sent a copy of this document to the following on this 8th day of October, 2010 via the Court's electronic filing system:

Kelley Edwards
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<u>/s/</u>	Steven	Robinson
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Steven L. Robinson